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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,721	02/09/2004	William Hewlett	07319-067004	3820
20985	7590	05/16/2006		
FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER THOMAS, BRANDI N	
			ART UNIT 2873	PAPER NUMBER

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/775,721	HEWLETT ET AL.	
	Examiner	Art Unit	
	Brandi N. Thomas	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-27 and 43-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-27 and 43-49 is/are allowed.
- 6) ☒ Claim(s) 2-9 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/17/06</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

DETAILED ACTION

Information Disclosure Statement

1. Acknowledgement is made of receipt of Information Disclosure Statement(s) (PTO-1449) filed 4/17/06. An initialed copy is attached to this Office Action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corcoran (4015115) in view of Poradish et al. (5905545).

Regarding claim 2, Corcoran discloses, in figures 1, 2, and 4, a lighting system, comprising: a light source (29), which forms light (col. 5, lines 16-19); an optical train (figure 2), which directs said light along an optical path (col. 2, lines 47-50); a first color changing element (6), allowing a color of the light to be changed at a first in focus location along said optical path (col. 3, lines 52-56); and a second color changing element (7) allowing a color of the light to be changed at a first out of focus location along said optical path (col. 3, lines 56-58) but does not specifically disclose the optical train directing light along an optical path which includes both in focus and out of focus locations. Poradish et al. discloses, in figures 1-3, wherein the optical train (20b) directing light along an optical path which includes both in focus and out of focus locations (26b and 28b) (col. 3, lines 64-67 and col. 4, lines 1-3). Therefore it would have been

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obvious to one having ordinary skill in the art at the time the invention was made to combine the device of Corcoran with the optical train of Poradish et al. for the purpose of separating the illumination (col. 3, lines 64-67 and col. 4, lines 1-3).

Regarding claim 3, Corcoran discloses, in figures 1, 2, and 4, a lighting system, wherein one of said color changing element (7) as is a rotating RGB color wheel, which rotates in synchronism with a desired light (col. 3, lines 56-58).

Regarding claim 4, Corcoran discloses, in figures 1, 2, and 4, a lighting system, wherein one of said color changing element (6) as is a color cross fader (col. 3, lines 49-58).

Regarding claim 5, Corcoran discloses, in figures 1, 2, and 4, a lighting system, further comprising another color element (18-20), which includes discrete color filters (col. 4, lines 21-24).

Regarding claim 6, Corcoran discloses, in figures 1, 2, and 4, a lighting system, wherein each of said first color changing element (6) and said second color changing element (7) (col. 4, lines 27-32) but does not specifically disclose wherein the first and second color changing elements includes clear portions which can be selected to allow light to pass without color is being changed. Poradish et al. discloses wherein the first and second color changing elements includes clear portions which can be selected to allow light to pass without color is being changed (col. 2, lines 20-25). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the device of Corcoran with the color wheel of Poradish et al. for the purpose of transmitting and reflecting regions of the visible spectrum (col. 2, lines 20-25).

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Regarding claim 7, Corcoran discloses, in figures 1, 2, and 4, a lighting system, comprising: a light source (29), which forms light (col. 5, lines 16-19); an optical train (figure 2), which directs said light along an optical path (col. 2, lines 47-50); a first color changing element (6), allowing a color of the light to be changed at a first in focus location along said optical path (col. 3, lines 52-56); and a second color changing element (7) allowing a color of the light to be changed at a first out of focus location along said optical path (col. 3, lines 56-58); wherein one of said color changing elements (18-20) is an element with discrete color filters (col. 4, lines 21-24) but does not specifically disclose the optical train directing light along an optical path which includes both in focus and out of focus locations. Poradish et al. discloses, in figures 1-3, wherein the optical train (20b) directing light along an optical path which includes both in focus and out of focus locations (26b and 28b) (col. 3, lines 64-67 and col. 4, lines 1-3). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the device of Corcoran with the optical train of Poradish et al. for the purpose of separating the illumination (col. 3, lines 64-67 and col. 4, lines 1-3).

Regarding claim 8, Corcoran discloses, in figures 1, 2, and 4, a lighting system, wherein each of said first and second color changing elements (6 and 7) each include controllable motors (8 and 10) therein, and further comprising a motor control bus (12) connected to each of said first and second controllable motors (8 and 10) (col. 3, lines 59-67).

Regarding claim 9, Corcoran discloses, in figures 1, 2, and 4, a lighting system, further comprising a controller, enabling control of each of said first and second color changing element (6 and 7) over said motor control bus (12) (col. 3, lines 66-67 and col. 4, lines 1-8).

Allowable Subject Matter

4. Claim 12-27 and 43-49 are allowed.
5. Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in claim(s) 10-12 and 43, wherein the claimed invention comprises, in claims 10 and 11, wherein said controller communicates with said motors, using a command format which includes a command, in a first time slot, followed by data associated with said command, in at least one time slot following said first time slot, and having a specified timing relationship with said first time slot and, in claims 12 and 43, wherein said motor control bus controls said first and second controllable motors using a time division multiplexed communication in which a function is associated with information associated with the function, at a time related to a time of the function, as claimed.

Response to Arguments

7. Applicant's arguments with respect to claims 2-27 and 41-49 have been considered but are moot in view of the new ground(s) of rejection. Regarding claim 4, Corcoran discloses a tri-colored filter wheel, which is a color cross fader. This reasonably based upon a color cross fader is designed to change colors and the tri colored filter wheel provides the same function.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandi N. Thomas whose telephone number is 571-272-2341. The examiner can normally be reached on 7- 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BNT
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May 2, 2006


RICKY MACK
SUPERVISORY PATENT EXAMINER